

HOUSE BILL 534
By McDaniel

AN ACT to amend Tennessee Code Annotated, Title 4,
Chapter 11, to enact the "Tennessee Military
Heritage Act of 2005".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 11, is amended by adding
the following new part:

§ 4-11-601. This part shall be known and may be cited as the "Tennessee Military
Heritage Act of 2005".

§ 4-11-602. As used in this part unless the context otherwise requires:

(a) "Commission" means the Tennessee Military Heritage Commission.

(b) "Military heritage" means any peacetime, wartime, or other military activity
engaged in by any or all of the thirteen (13) original colonies prior to the creation of the
United States, activities engaged in by the United States, activities engaged in by the
Confederate States of America, and activities of the Tennessee Militia, the Tennessee
National Guard, the Tennessee Air National Guard, and any other military, quasi-military,
or partisan unit operating under the jurisdiction Tennessee, or which operated within
Tennessee. It includes, but is not limited to, the activities of any person who was born in
Tennessee, who was a resident of Tennessee, or whose remains are interred in
Tennessee as well as the activities of formal or informal military units, paid or volunteer.

(c) "Military heritage site" means any historic geographic site of military heritage
significance declared as such by the commission, pursuant to this part.

(d) "Military heritage object" means any building, fortification, statue, monument,
marker, work of art, flag, aircraft, field piece, item of military equipment, weapon, or other

physical object of military heritage significance declared as such by the commission, pursuant to this part, including but not limited to buildings, sites, and other landmarks.

§ 4-11-603.

(a) The Tennessee Historical Commission established by § 4-11-102 is designated to be the Tennessee Military Heritage Commission.

(b) The commission shall receive requests for designation of a geographic site as a military heritage site and for designation of an object as a military heritage object in accordance with the provisions of this part and the administrative regulations promulgated thereunder.

(c) The commission shall promulgate administrative regulations in accordance with the provisions of title 4, chapter 5 necessary to carry out the provisions of this part and to protect military heritage sites and military heritage objects.

(d) The commission may seek funding from any source, public or private, and may expend funds for the operation of the commission and for the protection of military heritage sites and military heritage objects.

(e) The commission may employ such persons as it deems necessary, consistent with available funding, to carry out the duties of the commission.

§ 4-11-604

(a) Any person or organization may nominate a geographic location for designation as a military heritage site or to rescind a designation as a military heritage site.

(b) Any person or organization may nominate an object for designation as a military heritage object or to rescind a designation as a military heritage object.

(c) Private property shall not be designated as a military heritage site or as a military heritage object unless:

(1) The nomination is made by the owner of the property if held by a single owner or by all owners of the property if the property is held jointly; or

(2) The nomination is approved, in writing, by the owner of the property if held by a single owner or by all owners of the property if the property is held jointly.

(d) The commission shall promulgate administrative regulations in accordance with Tennessee Code Annotated, Title 4, Chapter 5, with regard to the process of designation of a military heritage site and a military heritage object and the characteristics of a qualifying site and qualifying object.

(e) The commission shall meet not less than two (2) times per year to act upon nominations of geographic locations proposed as military heritage sites and nominations of objects as military heritage objects. The commission at any meeting may also act on requests to rescind any designation of a military heritage site or military heritage object.

(f) To designate a site as a military heritage site or to designate an object as a military heritage object requires a majority vote of the members of the commission.

(7) To rescind the designation of a site as a military heritage site or to rescind the designation of an object as a military heritage object requires a unanimous vote of the members of the commission.

§ 4-11-605.

(a) Designation of an historic geographic site as a military heritage site means that the site cannot be destroyed, removed, or significantly altered, other than for repair or renovation without the written consent of the commission.

(b) Designation of an object as a military heritage object means that the object cannot be destroyed, removed, sold, or significantly altered, other than for repair or renovation or temporary loan not exceeding one (1) year without the written consent of the commission.

(c) The commission shall promulgate administrative regulations pursuant to title 4, chapter 5, defining permitted and forbidden activities relating to military heritage sites and military heritage objects and which activity requires either written permission of the commission or action by the commission to rescind the designation of the site as a military heritage site or rescind the designation of the object as a military heritage object.

§ 40-11-606

(a)

(1) It is a Class A misdemeanor to knowingly destroy, remove, sell, give, loan, or significantly alter a site designated as a military heritage site without the written approval of the commission or the commission's rescinding the designation of the site as a military heritage site.

(2) A second or subsequent offense is a Class D felony.

(b)

(1) It is a Class A misdemeanor to knowingly destroy, remove, sell, give, loan, or significantly alter an object designated as a military heritage object without the written approval of the commission or the commission's rescinding the designation of the object as a military heritage object.

(2) A second or subsequent offense is a Class D felony

(c) The provision of this section shall not apply to repair, restoration, and temporary loan activities which are permitted by § 4-11-605 of this part.

SECTION 2. Tennessee Code Annotated, Section 4-29-228 (2) amended by adding a new item thereto as follows:

() Tennessee Military Commission, created by 4-1-603.

SECTION 3. For the purpose of promulgating rules as provided in this part, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, it shall take effect on July 1, 2005.